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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/587,589

12/07/2006

Pierre-Armand Thomas

P/4393-17

9692

2352 7590 08/19/2009
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EXAMINER

SINGH, SUNIL

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

08/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,589	Applicant(s) THOMAS, PIERRE-ARMAND	
	Examiner Sunil Singh	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,3,7,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 5224798) in view of either Bulkley et al. or Evans (US 2308743, 4456404). Thomas discloses a structure comprising: a floating hull (1) fitted with at least three lifting legs (2) for this hull, adapted to rest on the seabed, each lifting leg being associated with mechanical displacement means (see Fig. 2) housed in a bearing framework of said hull, and shuttle (11) which can be displaced along the lifting legs. Thomas discloses the invention substantially as claimed. However, Thomas is silent about including a u-shaped hull and a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull. Bulkley et al. and Evans both teach a u-shaped hull (see Fig. 2,3) and a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull (see Fig. 8, 7). It would have been considered obvious to one of ordinary skill in the art to modify Thomas to have a u-shaped hull and a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull as taught by either Bulkley et al. or Evans in order to provide a structure with easier access

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to the interior of the hull and in order to reduce load on the mechanical displacement means of the hull.

Re claim 7, independent branch (see 3, of Bulkley et al. ref).

3. Claims 1-4, 7,8,9,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO document '425 in view of either Bulkley et al. or Evans (US 2308743, 4456404).

WO '425 discloses a structure comprising: a floating hull (11) fitted with at least three lifting legs (12) for this hull, adapted to rest on the seabed, each lifting leg being associated with mechanical displacement means (see Fig. 3) housed in a bearing framework of said hull, and shuttle (30) which can be displaced along the lifting legs. Thomas discloses the invention substantially as claimed. However, Thomas is silent about a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull. Bulkley et al. and Evans both teach a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull (see Fig. 8, 7). It would have been considered obvious to one of ordinary skill in the art to modify WO '425 to have a shuttle formed of at least three elements, mechanical drive means to move the shuttle independently of the hull as taught by either Bulkley et al. or Evans in order to reduce load on the mechanical displacement means of the hull.

Re claim 7, independent branch (see Fig. 2 of WO document).

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With regards to claim 8, the recited method steps are considered obvious in view of the combination of references above.

Allowable Subject Matter

4. Claims 10 and 11 are allowed.
5. Claims 5,6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 4/23/09 have been fully considered but they are not persuasive. In response to applicant's argument that the shuttle of Thomas is not operable to move one of a framework element, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Applicant argues that Thomas does not teach a shuttle that is independently operable. The examiner agrees. However, such teaching can be found in Bulkley and Evans. Applicant argues that neither Bulkley nor Evans teach a shuttle that is independently operable. The examiner disagrees. Since each shuttle described in Bulkley and Evans include its own drive means, the shuttles are then considered independently operable.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (571) 272-7051. The examiner can normally be reached on Monday through Friday 10:30 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sunil Singh/
Primary Examiner, Art Unit 3672

Sunil Singh
Primary Examiner
Art Unit 3672

SS

8/14/09